

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

ADAM PAUL LAXALT
Nevada Attorney General
ERIC N. TRAN
Deputy Attorney General
Nevada Bar No. 11876
Bureau of Litigation
Public Safety Division
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101
Telephone: (702) 486-2625
Facsimile: (702) 486-3773
Email: etran@ag.nv.gov
Attorneys for Defendant Troy Johnson

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GENE ALLEN ZARITSKY,)	Case No. 2:13-cv-02084-JCM-NJK
)	
Plaintiff,)	
)	Order granting
v.)	MOTION TO SUBMIT
)	MEDICAL RECORDS UNDER SEAL
TROY JOHNSON,)	
)	
Defendant.)	

Defendant Troy Johnson, by and through counsel, ADAM PAUL LAXALT, Nevada Attorney General, and ERIC N. TRAN, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby moves to submit medical records in support of his Motion for Summary Judgment under seal. This Motion is made and based on the enclosed Memorandum of Points and Authorities, the papers and pleadings on file, and any oral argument the Court may entertain at a hearing on this matter.

DATED this 21st day of August, 2015.

Respectfully submitted,

ADAM PAUL LAXALT
Nevada Attorney General

By: /s/ Eric N. Tran
ERIC N. TRAN
Deputy Attorney General
Attorneys for Defendants

MEMORANDUM OF POINTS AND AUTHORITIES

Defendant's Motion for Summary Judgment, filed contemporaneously with this motion, is supported by portions of Plaintiff's Nevada Department of Corrections (NDOC) medical records.

Courts have recognized a general right of the public to inspect and copy public records and documents, including judicial records and documents. *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Documents that have been traditionally kept secret, including grand jury transcripts and warrant materials in a pre-indictment investigation, come within an exception to the general right of public access. *Id.* Otherwise, "a strong presumption in favor of access is the starting point." *Id.* (internal citations omitted).

Courts have consistently recognized that the need to protect sensitive medical information is a compelling reason to seal records. See *San Ramon Reg'l Med. Ctr., Inc. v. Principal Life Ins. Co.*, C 10-02258 SBA, 2011 WL 89931, at *1, n.1 (N.D. Cal. Jan. 10, 2011); *Abbey v. Hawaii Employers Mut. Ins. Co.*, Civ. No. 09-000545, 2010 WL 4715793, at *1-2 (D. Haw. Nov. 15, 2010); *Wilkins v. Ahern*, No. C 08-1084, 2010 WL 3755654, at *4 (N.D. Cal. Sept. 24, 2010); *G. v. Hawai'i*, Civ. No. 08-00551, 2010 WL 2607483, at *1-2 (D. Haw. June 25, 2010); *Lombardi v. TriWest Healthcare Alliance Corp.*, No. CV-08-02381-PHX-FJM, 2009 WL 1212170, at *1 (D. Ariz. May 4, 2009).

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1 Exhibits B, C, and D to Defendant's Motion for Summary Judgment are the portions of the
2 Plaintiff's medical records that Defendants wish to file under seal. Although Plaintiff has placed his
3 medical condition at issue in this lawsuit, his privacy interest in the detailed medical records at
4 issue in this case outweighs the public interest in access to court documents. Plaintiff will not be
5 prejudiced by this under-seal filing as a copy of the exhibits filed under seal will be sent to the
6 warden's office at High Desert State Prison for his review.

7 DATED this 21st day of August, 2015.

8 Respectfully submitted,

9 ADAM PAUL LAXALT
10 Nevada Attorney General

11 By: /s/ Eric N. Tran
12 ERIC N. TRAN
13 Deputy Attorney General
14 Nevada Bar No. 11876
15 *Attorneys for Defendant*

16 IT IS SO ORDERED.
17 Dated: August 24, 2015

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United States Magistrate Judge